



# EXCLUSIONS POLICY

## 1. Aims

Our school recognises that all children have a right to education and aims to ensure that the exclusions process is applied fairly and consistently.

## 2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612222/school-suspensions-and-permanent-exclusions.pdf)

## 3. The decision to exclude

Only the Head Teacher, or acting Head Teacher, can exclude a pupil from school and this must be on disciplinary grounds. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed-period exclusion does not have to be for a continuous period. A fixed-period exclusion can also be for parts of the school day, for example, if a pupil's behaviour at lunchtime is disruptive, they may be excluded from the school premises for the duration of the lunchtime period. Lunchtime fixed-term exclusions are counted as half a school day in determining whether a Governing Board meeting is triggered. A permanent exclusion will be taken as a last resort.

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's Promoting Good Behaviour policy, *and*
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Head Teacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)
- Apply the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'. This means that the Head Teacher should accept that something happened if it is more likely that it happened than that it did not happen.

Exclusion, whether for a fixed term or permanent, may be used for any of the following, all of which constitute examples of unacceptable conduct and are infringements of the school's Attachment Aware Behaviour policy:

- Verbal abuse to staff
- Verbal abuse to pupils
- Racist, sexist or homophobic abuse
- Persistent bullying
- Physical abuse to/attack on staff
- Physical abuse to/attack on pupils
- Indecent behaviour
- Wilful damage to school property

- Theft
- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Carrying an offensive weapon
- Arson
- Continued defiance or rudeness towards a member of staff
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour.

This is not an exhaustive list and there may be other situations where the Head Teacher makes the judgement that exclusion is an appropriate sanction. The behaviour of a pupil outside school can be considered grounds for an exclusion.

The Head Teacher may decide not to use the sanction of an exclusion but may instead draw up a support plan or behaviour plan to try and avoid the sanction of an exclusion and/or consider a multi-agency assessment. However, if the education of other pupils and their safety and wellbeing are affected, then the ultimate sanction will be a fixed-term or permanent exclusion. Before this process, the Head Teacher will seek advice from the Local Authority and then notify the Chair of Governors.

#### **4. Definition**

For the purposes of exclusions, 'school day' is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day. Exclusions do not require a set notice period before starting – the decision to exclude is based on the child not being able to remain on the school grounds due to their behaviour or impact on staff and/or pupils which results in a need for an immediate exclusion.

#### **5. Roles and responsibilities**

##### **5.1 The Head Teacher**

###### Informing relevant parties

Parents/carers will be notified immediately. The Head Teacher will then provide, in writing, the following information to the parents/carers of an excluded pupil:

- the reason(s) for the exclusion
- the period of a fixed-period exclusion or, for a permanent exclusion, the fact that it is permanent
- parents' right to make representations about the exclusion to the Governing Board and how the pupil may be involved in this
- how any representations should be made, *and*
- where there is a legal requirement for the Governing Board to consider the exclusion, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend

If a pupil has a social worker, or if a pupil is looked-after, the Head Teacher will also, without delay after their decision, notify the social worker and/or VSH, as applicable.

The Head Teacher will ensure that all records relating to exclusions are stored confidentially.

The Head Teacher will also notify parents/carers by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents/carers of an exclusion:

- The start date for any provision of full-time education that has been arranged

- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the pupil to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents'/carers' consent.

#### Informing the Governing Board and local authority

The Head Teacher will immediately notify the Governing Board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Head Teacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the Head Teacher will notify the Governing Board and LA once a term.

### **5.2 The Governing Board**

The Governing Board has a duty to consider the reinstatement of an excluded pupil (see section 6).

For a fixed-period exclusion of more than 5 school days, the Governing Board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

### **5.3 The Local Authority (LA)**

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

## **6. Considering the reinstatement of a pupil**

The Governing Board will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term
- It would result in a pupil missing a public examination

For fixed-period exclusions where a pupil would be excluded for more than five but less than 15 school days in the term, the requirements are different. In this case, if the parents make representations, the Governing Board must consider within 50 school days of receiving the notice of exclusion whether the excluded pupil should be reinstated. In the absence of any representations from the parents, the Governing Board is not required to meet and cannot direct the reinstatement of the pupil.

Where an exclusion would result in a pupil missing a public examination, the Governing Board will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Chair of the Governing

Board (or the Vice-Chair where the Chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

The following parties must be invited to a meeting of the Governing Board and allowed to make representations:

- Parents (and, where requested, a representative or friend)
- The Head Teacher
- A representative of the local authority

The Governing Board must make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limits set out above. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

In the case of a fixed-period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the Governing Board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

The Governing Board can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the Governing Board will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Head Teacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The Governing Board will notify, in writing, the Head Teacher, parents/carers and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Governing Board's decision will also include the following:

- The fact that it is permanent
- Notice of parents'/carers' right to ask for the decision to be reviewed by an independent review panel, and:
  - The date by which an application for an independent review must be made
  - The name and address to whom an application for a review should be submitted
  - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
  - That, regardless of whether the excluded pupil has recognised SEN, parents/carers have a right to require the LA to appoint an SEN expert to attend the review
  - Details of the role of the SEN expert and that there would be no cost to parents/carers for this appointment
  - That parents/carers must make clear if they wish for an SEN expert to be appointed in any application for a review
  - That parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/carers may also bring a friend to the review
- That if parents/carers believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

## **7. An independent review**

If parents/carers apply for an independent review, the LA will arrange for an independent panel to review the decision of the Governing Board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents/carers by the Governing Board of its decision to not reinstate a pupil.

## **8. School registers**

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents/carers were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents/carers have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the Governing Board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

## **9. Returning from a fixed-term exclusion**

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents/carers, a member of senior staff and other staff, where appropriate.

The re-integration strategy will aim to provide the pupil with a fresh start; help them understand the effect of their behaviour on themselves and others; help teach them how to meet the high expectations of behaviour in line with the school culture; foster a renewed sense of belonging within the school community and build engagement with learning.

School may also work with relevant staff and multi-agency organisations such as teachers, social workers, educational psychologists or RBWM's Social, Emotional and Mental Health Intervention Service, to identify if the pupil has any SEND and/or health needs. A pupil Behaviour or Support Plan may be written.

If parents/carers are unable or unwilling to attend a re-integration meeting, the pupil should not be prevented from returning to a mainstream classroom. In this case, parents/carers will be informed of the school's recommendations to aid successful re-integration and any Behaviour or Support Plan will be shared.

## **10. Monitoring arrangements**

The Head Teacher monitors the number of exclusions every term and reports back to the governors. They also liaise with the LA to ensure suitable full-time education for excluded pupils.

## **11. Links with other policies**

This Exclusions policy is linked to our:

- Attachment Aware Behaviour policy
- SEND policy and SEND information report

### **This policy will be reviewed annually**

Policy created: January 2021

Last reviewed: October 2025